



31 South Summit Avenue
Gaithersburg, Maryland 20877
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Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lenny Levy, Commissioners Matthew Hopkins, Lloyd Kaufman, Danny Winborne, and Alternate Commissioner Geri Lanier, City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Community Planning Director Trudy Schwarz, Planners Patricia Patula, Rob Robinson, and Caroline Seiden, and Recording Secretary Myriam Gonzalez. Chair Bauer noted that Alternate Lanier would sit at the dais but would not actively participate this evening, since all Commissioners were present.

I. APPROVAL OF MINUTES

January 3, 2007, Planning Commission Meeting

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to APPROVE the Minutes of the January 3, 2007, Planning Commission Meeting, as submitted this evening.

Vote: 5-0

II. RECORD PLATS

R-1204 -- Crown Pointe – Plat 6 (Plat of Correction)
R-1205 -- Crown Pointe – Plat 7 (Plat of Correction)
R-1206 -- Crown Pointe – Plat 8 (Plat of Correction)
R-1207 -- Crown Pointe – Plat 9 (Plat of Correction)

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to APPROVE the Record Plat Agenda.

Vote: 5-0

III. CONSENT

AFP-06-053 -- Kentlands - 103 Leekes Lot Way
(Koch Residence) MXD Zone
1,000 -Sq.Ft. Two-Story Addition
AMENDMENT TO FINAL PLAN REVIEW

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to APPROVE the Consent Agenda.

Vote: 5-0

IV. RECOMMENDATIONS TO MAYOR AND COUNCIL

- T-380 -- Ordinance to amend Chapter 24 of the City Code (City Zoning Ordinance), Article III, Division 15, entitled, "I-3 Zone, Industrial and Office Park," §24-143, entitled, "Uses Permitted by Right," to eliminate redundant and conflicting provisions and renumber accordingly.

Planning and Code Administration Director Ossont stated this text amendment was the subject of a joint public hearing with the City Council on December 18, 2006, and indicated that one exhibit (#8. Transcript) was added since then. He briefly reviewed the Staff Comments, noting that the proposed ordinance would eliminate the lot size and parking area setback requirements for public buildings.

Noting that since the catalyst for this text amendment was the development of the Gaithersburg Indoor Aquatic and Recreation Center at the GE Tech Park site, Vice-Chair Levy inquired whether the text amendment would affect any future projects. Mr. Ossont responded by noting that the remaining portion of the ordinance would address other parcels in the I-3 Zone. Commissioner Hopkins added that the text amendment addresses the need for good public services near the neighborhood.

Mr. Ossont voiced staff's recommendation for approval.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to recommend to the City Council ADOPTION of Text Amendment T-380.

Vote: 5-0

- Z-303(o) -- Application to rezone 1.2099 acres of land, currently known as Lot P-87, the Duane Property, located off Old Game Preserve Road between Arrowsmith Court and Travis Avenue in the City of Gaithersburg, from the existing C-2 (General Commercial) Zone to the E-1 (Urban Employment) Zone, under the Optional Method of rezoning, in accordance with §24-196 (map amendments) and §24-198 (optional method) of the City Code.

Planner Robinson stated the above-referenced application, which requires an accompanying schematic development plan (SDP) and a declaration of covenants, was the subject of a joint public hearing with the City Council on September 18, 2006. He located the property on an aerial photograph and briefly discussed the main issues raised at the public hearing, including architecture/visibility of this property from Travis Avenue and transportation and road improvements relating to the status of Game Preserve Road.

He presented a colored SDP showing a proposed four-story building and a forest conservation area. He also presented the proposed elevations, revised since the public hearing, and discussed computer-generated pictures of the corner at Old Game Preserve Road and Travis Avenue showing the limited visibility of the proposed building, as well as actual photographs of the site from the same viewpoint.

Chair Bauer commented on the presentation this evening, noting there is good justification for the rezoning, based on the newly proposed road improvements and the visibility-related exhibits. He added that the road improvement revisions made since the public hearing have been substantial and indicate a minimized impact of this project on the adjacent uses. He stressed, however, the need for assurances of an adequate landscaped buffer for the building. Commissioner Hopkins commented on the minimal impact of this map amendment request.

Mr. Robinson voiced staff's recommendation for approval with conditions that he listed, with a minor revision to Condition 2, as listed below.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to recommend to the City Council APPROVAL of Zoning Amendment Z-303(o), with the following conditions:

1. Applicant is to record the Covenant for Z-303(o) in the Land Records of Montgomery County before the submission of final record plats;
2. Applicant is to execute the Pepco land purchase for additional Old Game Preserve Road right-of-way and improvements and dedicate said portion of road to the City of Gaithersburg by the recordation of final record plats;
3. Applicant is to complete off-site road improvements to the City-maintained portion of Old Game Preserve Road before the issuance of occupancy permits; and
4. Applicant is to complete off-site storm water management improvements to the Montgomery County-maintained portion of Old Game Preserve Road before the issuance of occupancy permits.

Vote: 5-0

V. RECOMMENDATION TO BOARD OF APPEALS

A-527 -- James Michal for Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. and T-Mobile Northeast LLC.

Special Exception to erect a 100-foot monopole and related antennas and ground equipment at 707 Conservation Lane, Parcel N105, Gaithersburg, Maryland. Access to the site is via an existing access road on the property. The property is located in the R-A (Low Density Residential) Zone. The special exception is allowed by Zoning Ordinance §24-25(11) in compliance with §24-167A(D).

Planner Seiden presented an aerial photograph and showed the site location on the Izaak Walton League Headquarters property. She introduced this application for a monopole with 12 antennas and ground equipment for Nextel Communications and six additional antennas for T-Mobile.

Attorney for the applicant, James Michal, Jackson and Campbell, stated that the proposal complies with City standards and would have minimal impact on the property, as the existing internal road would be used for access. In response to Vice-Chair Levy, Mr. Michal discussed the reason for placing the monopole on the proposed property, noting the advantages of the site include good buffering and service coverage. He added that other sites on existing buildings were unavailable for placing the antennas. Mr. Michal noted, however, that the Timberbrook Homeowners Association building was not considered, but that the residential Timberbrook property owners were notified of the application. He answered questions of Vice-Chair Levy regarding visibility from area roads.

The following was testimony from the public:

Cathy Saxman, 135 Timberbrook Lane, expressed strong opposition to the application due to her concerns over the impact from visibility of the monopole during leafless months and interference with reception of radio, television, etc. Mr. Michal noted the antennas would not create interference because they operate on a different frequency.

Commissioners Winborne and Kaufman suggested adding simulated branches to the monopole for camouflage purposes. Mr. Michal answered questions regarding the possible addition of antennas from other carriers noting that they would be subject to a plan amendment review under a separate application. In response to Vice-Chair Levy, Ms. Seiden noted there is another monopole in the City, which is located off Midcounty Highway.

Planner Seiden noted the application meets the approval criteria in the City Code [Zoning Ordinance §§ 24-25(11), 24-167A(D)(2), and 24-189(b)], subject to the applicant's compliance with conditions that she listed, which would be included in a draft approval resolution for the Board of Appeals. City Attorney Borten referenced Conditions 1-3 and commented on the need to clarify the applicability of the conditions on the applicant's successors. It was noted that the applicant would work with staff to refine the language accordingly.

Chair Bauer commented on the growing demand for cellular telephone service due to the dependence on communication for the community and police. He noted the relatively low impact of this use, adding that the Commission's recommendation should include more information relating to the optimal location. Vice-Chair Levy voiced concerns over the age of the evidence that this proposal would not affect real estate values, as well as the need to check on the availability of alternate locations with existing buildings. Chair Bauer recommended the applicant provide additional information to evidence the need for the coverage in the area with no other possible optional location. The Commission discussed the language for an additional condition to address the camouflage of the facility with the environment and moved as follows:

Commissioner Winborne moved, seconded by Commissioner Kaufman, to recommend to the Board of Appeals APPROVAL of Special Exception Application A-527, with the following conditions:

1. Prior to the issuance of a building or site work permit, petitioners are to provide an executed lease from the property owner that requires at such time as either Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. or T-Mobile Northeast LLC cease to operate, that the antennas, cabinets and associated equipment must be removed;
2. At such time as either Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. or T-Mobile Northeast LLC ceases to operate, its antennas, cabinets and associated equipment shall be removed;
3. At such time as Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. and T-Mobile Northeast LLC cease to operate, the monopole and any remaining equipment shall be removed;
4. Nextel Communications of the Mid-Atlantic by General Dynamics Network Systems, Inc. is to submit an actual coverage threshold map to the Board of Appeals sixty (60)

days after the equipment becomes operational. The map will be the same type as provided in Exhibits #37 and #38;

5. T-Mobile Northeast LLC is to submit an actual coverage threshold map to the Board of Appeals sixty (60) days after the equipment becomes operational. The map will be the same type as provided in Exhibits #39 and #40;
6. Applicant is to revise fence detail to remove barbed wire and indicate fence material as black vinyl chain link fence up to 8 feet in height;
7. Installation of antennas and associated equipment must be completed by February 8, 2008;
8. If the installation is not complete by February 8, 2008, the petitioner must request a time extension, in writing, prior to February 8, 2008, and each subsequent year thereafter until such time as the installation is complete; and
9. Applicant is to prepare a plan to camouflage the color of the monopole to blend with the trees.

Vote: 5-0

VI. SITE PLANS

AFP-06-038-- Lakelands - Phase 3, Section 2 MXD Zone
Lakelands Drive
Modify Pedestrian System, Landscaping and Tot Lot
AMENDMENT TO FINAL PLAN REVIEW

Planning and Code Administration Director Ossont stated this plan for Lane in The Woods was the subject of a schematic development plan amendment (SDP-06-003), recommended for approval by the Commission in October 2006, and approved by the City Council in December 2006. He noted the plan remains the same since the Commission's last review. Mr. Ossont referenced the Staff Comments, which outlined the proposed changes, and voiced staff's recommendation for approval as the plan meets the approval criteria, with the condition listed in the motion below.

There was no testimony from the public.

Director Ossont answered questions of Commissioners Winborne and Bauer relating to the deletion of the tot lot, and to the paving of the pedestrian connection between Lane in the Woods and the parcel adjacent to the future Aquatic Center. Mr. Ossont pointed out that the neighborhood is in agreement with the proposed changes.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant AFP-06-038 – Lakelands, Phase 3, Section 2, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170 and 24-172, with the following condition:

1. Applicant shall continue to work with staff to execute the bond release.

Vote: 5-0

AFP-06-055 -- Good Shepherd Lutheran Church
16420 South Westland Drive
Building Demolition and 20,226-Sq.Ft. Addition
AMENDMENT TO FINAL PLAN REVIEW

R-A Zone

Community Planning Director Schwarz located the site on an aerial photograph and introduced the applicant.

Engineer for the applicant, Toby Wilson, Macris, Hendricks and Glascock, presented the proposed plan for this 103,724-square foot property, which houses the existing church and parking lot. He discussed the proposal to upgrade the facility by demolishing 5,000 square feet of the building and constructing a two-story facility that would include a basement multipurpose room, a sanctuary and office space on the ground floor, and additional office space on a second story above the existing structure. He presented the proposed elevations and a material sample, noting the similarity of the proposed split-face concrete masonry unit to the existing brick.

Mr. Wilson discussed site and building access, parking, setbacks, and forest conservation. Regarding parking, he noted that 94 spaces are provided on site and 25 spaces across the street under a parking agreement with the Walnut Hill Shopping Center, totaling the 119 spaces required. It was also noted that additional parking is available on the street and at the Rosemont Elementary school.

The following was testimony from the public:

Joann Schimke, 734 Tiffany Court, identifying herself as a long-time member of this Church, reported on the expansion needs of this facility.

Mrs. Schwarz voiced staff's recommendation for approval, noting the plan meets the approval criteria in the City Code, subject to the applicant's compliance with conditions that she listed. She answered questions of Commissioners Bauer, Kaufman and Hopkins relating to the elevation facing South Westland Drive, bus stop shelter and crosswalk on Md. Rte. 355. Commissioner Kaufman voiced a safety concern for parishioners having to walk across the road to use the off-site parking and suggested the installation of a warning sign and/or extending the traffic signal cycle.

Mrs. Schwarz indicated that she would work with City Engineer Services Director Mumpower on the feasibility of installing a countdown crossing signal. Regarding the architecture, she noted there would be a cross on the South Westland Drive façade, and the building is octagonal-shaped, which is not clearly reflected on the rendering presented.

Vice-Chair Levy commented favorably on the project. The Commission accepted a minor correction made by staff to Condition 3 and moved as follows:

Commissioner Winborne moved, seconded by Commissioner Hopkins, to grant AFP-06-055 - Good Shepherd Lutheran Church, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-26 and 24-170, with the following conditions:

1. Applicant is to obtain final approval from DPWPM&E for soil erosion, sediment control and storm water management plan, and retaining wall details and specifications before the issuance of any permits;

2. Applicant is to obtain final approval of the forest conservation/landscape plan from staff before the issuance of any permits; and
3. Applicant is to work with the City in relocating the bus shelter in order to improve the sight distance at South Westland Drive subject to approval of the public utilities.

Vote: 5-0

VII. FROM THE COMMISSION

Commissioner Winborne

Formally welcomed new Alternate Commissioner Geri Lanier.

Commissioner Hopkins

Reported on an Urban Land Institute (ULI) meeting held earlier today on community education in terms of growth patterns in the area and State and County recommendations, and asked that copies of the summary be furnished to the Commission when the ULI Report becomes available.

Commissioner Kaufman

Suggested considering the development of codes that would provide incentives to promote Leadership in Energy & Environmental Design (LEED) certification for residential development, given the public interest demonstrated by numerous citizens' concerns voiced at the City Council's special work session on January 8, 2007, on the City's 2007 Draft Strategic Plan. He referenced several jurisdictions, including Baltimore County, and their practices to encourage LEED certification.

VIII. FROM STAFF

Planning and Code Administration Director Ossont

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| 1. | SDP-04-001 - The Vistas at Quince Orchard Park
Mixed Use Residential Development
Announcement of Closing of Record | MXD Zone |
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Director Ossont referenced staff's memorandum to the Commission dated January 9, 2007, recommending the Commission's announcement of the closing of its record on the above application. He noted that this plan has progressed significantly since the public hearing in 2004. In response to Chair Bauer, Mr. Ossont indicated that this application is not required to include a complete design code or guidelines, as well as affordable housing or adequate public facilities, in accordance with the 1991 annexation agreement of the property. He added that staff's presentation before the Commission would include information on this matter when the plan comes back for the Commission's recommendation to the Mayor and City Council.

Commissioner Kaufman moved, seconded by Vice-Chair Levy, to close the Planning Commission's record on SDP-04-001 - The Vistas at Quince Orchard Park, on January 26, 2007.

Vote: 5-0

2. Noted that as previously requested, the Commission received in their packets information regarding House Bill 1141, provided by the Maryland Departments of Planning and the Environment.

Community Planning Director Schwarz

Announced an upcoming joint work session with the City Council on February 12, and the regular meetings of the Commission for the month of February, which are scheduled for the 7th and the 28th.

IX ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 9:20 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary